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December 1, 2004

TO: Examiner Maryam Monshipouri
Group 1652
571-272-0932

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FROM Justin D. Karjala
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OF PAGES (incl. cover): 6

Re: U.S. Serial No. 10/760,407, filed January 21, 2004
Entitled "ISOLATED HUMAN KINASE PROTEINS, NUCLEIC ACID
MOLECULES ENCODING HUMAN KINASE PROTEINS, AND USES
THEREOF"
Atty. Docket No.: CL001306-DIVII

A Preliminary Amendment (Restriction Election) in the above-identified application follows. No fee is due for this submission.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Chunhua YAN et al.

Art Unit: 1652

Serial No.: 10/760,407

Examiner: M. Monshipouri

Filed: January 21, 2004

Atty. Docket: CL001306-DIVII

For: ISOLATED HUMAN KINASE PROTEINS,
NUCLEIC ACID MOLECULES ENCODING
HUMAN KINASE PROTEINS, AND USES
THEREOF

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PRELIMINARY AMENDMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

By Facsimile

Sir:

This is in response to an Office Action mailed on November 1, 2004 from Examiner Monshipouri in which a restriction requirement was issued for the above-referenced application.

By way of response, Applicants hereby elect claim group II, claim 3, directed to antibodies, etc., for examination and have canceled claims corresponding to the non-elected groups I, III-IV, and VI-VIII.

However, Applicants respectfully request that claim 12 be included with group II. The Examiner included claim 12 in group V, and described group V as drawn to methods of detecting nucleic acids utilizing kinase-encoding nucleic acids as probes in a hybridization assay. This is not accurate with respect to claim 12, which is not drawn to using nucleic acids as probes in a hybridization assay. Rather, claim 12 is drawn to methods of detecting peptides using a detection agent such as an antibody. Accordingly, Applicants are hereby amending claim 12 and presenting new claims 24-30 drawn to methods of detecting a polypeptide, such as by using an antibody, and respectfully request examination of these claims.

Please amend the application as follows: